

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

GLORIA R. BROWN,

Plaintiff,

v.

COMMISSIONER OF SOCIAL
SECURITY,

Defendant.

Case No. 10-cv-14906

HONORABLE STEPHEN J. MURPHY, III

ORDER ADOPTING REPORT AND RECOMMENDATION (docket no. 13),
DENYING THE COMMISSIONER'S MOTION FOR SUMMARY JUDGMENT
(docket no. 10), **GRANTING IN PART AND DENYING IN PART BROWN'S**
MOTION FOR SUMMARY JUDGMENT (docket no. 9), **AND REMANDING CASE**

Gloria R. Brown filed this civil action pursuant to 42 U.S.C. § 405(g) to challenge the Social Security Administration's ("SSA") denial of disability benefits. The matter was referred to a magistrate judge for all pretrial proceedings. Brown and the Commissioner filed cross-motions for summary judgment. The magistrate judge issued a Report and Recommendation ("Report") after taking the motions under consideration. He suggests that the Court deny the Commissioner's motion, grant in part and deny in part Brown's motion, and remand the case to the SSA for further proceedings. The Commissioner did not file timely objections to the Report.

Civil Rule 72(b) governs review of a magistrate judge's report and recommendation. De novo review of the magistrate judge's findings is only required if the parties "serve and file specific written objections to the proposed findings and recommendations." Fed. R. Civ. P. 72(b)(2). Nevertheless, because a district judge always retains jurisdiction over a motion after referring it to a magistrate judge, he is entitled to review the magistrate judge's findings of fact and conclusions of law on his own initiative. See *Thomas v. Arn*, 474 U.S.

140, 154 (1985) (clarifying that while a district court judge need not review a report and recommendation “de novo if no objections are filed, it does not preclude further review by the district judge, sua sponte or at the request of a party, under a de novo or any other standard”).

Because the Commissioner did not file objections, de novo review of the Report's conclusions is not required. Having reviewed the Report's analysis, in light of the administrative record, the Court finds that its conclusions are factually based and legally sound. Accordingly, it will adopt the Report's findings, and enter an appropriate judgment remanding the action to the SSA.

WHEREFORE, it is hereby **ORDERED** that the Report (docket no. 13) is **ADOPTED**.

IT IS FURTHER ORDERED that the Commissioner's motion for summary judgment (docket no. 10) is **DENIED**, and Brown's motion for summary judgment (docket no. 9) is **GRANTED IN PART AND DENIED IN PART**.

IT IS FURTHER ORDERED that this matter is **REMANDED** to the Social Security Administration for further proceedings consistent with the findings and conclusions of the Report.

SO ORDERED.

s/Stephen J. Murphy, III
STEPHEN J. MURPHY, III
United States District Judge

Dated: March 8, 2012

I hereby certify that a copy of the foregoing document was served upon the parties and/or counsel of record on March 8, 2012, by electronic and/or ordinary mail.

Carol Cohron
Case Manager